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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/055,426	01/23/2002	Robert Krupczak	00124-027001	7921
23483	7590	04/22/2005	EXAMINER	
WILMER CUTLER PICKERING HALE AND DORR LLP			SERRAO, RANODHI N	
60 STATE STREET			ART UNIT	PAPER NUMBER
BOSTON, MA 02109			2141	

DATE MAILED: 04/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/055,426

Applicant(s)

KRUPCZAK, ROBERT

Examiner

Ranodhi Serrao

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☒ Claim(s) 30 and 31 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>06/24/2002</u> .  | 6) <input type="checkbox"/> Other: _____                                    |

### ***Specification***

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

### ***Claim Objections***

Claims 30 and 31 are objected to because of the following informalities: The mentioned claims are exactly the same. The examiner recommends omitting one of them. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-11 and 18-28 are rejected under 35 U.S.C. 102(e) as being anticipated by Kekic et al. (6,272,537).

As per claim 1, Kekic et al. teaches a computer-based method for collecting dependency data (column 2, lines 20-27: wherein in the client-server network, the client is dependent upon the server), the method including: collecting configuration data describing a first networked resource via a software agent executing on the first networked resource (column 2, lines 36-49); selecting dependency data from the configuration data, the dependency data specifying a dependency relationship between the first networked resource and a second networked resource (column 5, lines 8-14); and populating a repository with the dependency data (column 16, lines 3-18).

As per claim 2, Kekic et al. teaches the repository is stored on the first networked resource (column 5, lines 8-14).

As per claim 3, Kekic et al. teaches collecting dependency data from a plurality of networked resources including the first networked resource (column 2, lines 36-49); and storing the dependency data in a repository centralized within a distributed systems management environment (column 16, lines 3-18).

As per claim 4, Kekic et al. teaches a computer-based method for communicating dependency data, including: gathering dependency data on a managed device via an

agent on the managed device (column 16, lines 3-18); and offering access to a table that includes the dependency data, the access using a dependency interface for a distributed systems management protocol on the agent (column 34, lines 15-26).

As per claim 5, Kekic et al. teaches the distributed systems management protocol is an open standard (column 1, lines 35-43).

As per claim 6, Kekic et al. teaches the distributed systems management protocol is SNMP (column 2, lines 20-27).

As per claim 7, Kekic et al. teaches offering access includes a distributed systems management software application communicating across a network with the agent using the distributed systems management protocol (column 2, lines 36-49).

As per claim 8, Kekic et al. teaches the agent communicates with a distributed systems management software application using the distributed systems management protocol to raise a trap based on the dependency data (column 2, lines 36-49).

As per claim 9, Kekic et al. teaches a computer-based method for distributed systems management, including: monitoring a first managed device with a first agent, where the first agent gathers dependency data describing a dependency relationship between the first managed device and a second device (column 8, lines 21-34); and starting a second agent to monitor the second device based on the dependency data (column 13, line 60-column 14, line 6).

As per claim 10, Kekic et al. teaches the first managed device is managed by a distributed systems management software application and the second device is also

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managed by the distributed systems management software application at the time the dependency data is gathered (column 8, lines 21-34).

As per claim 11, Kekic et al. teaches the first managed device is managed by a distributed systems management software application and the second device is not being managed by the distributed systems management software application at the time the dependency data is gathered (column 8, lines 21-34: wherein it is obvious to one of ordinary skill in the art to implement not managing the second device by the distributed system management software from reading the above reference).

As per claim 18, Kekic et al. teaches a computer-based method for collecting dependency data, the method including: gathering a plurality of dependency data on a plurality of networked resources via a plurality of software agents, such that a software agent runs on each networked resource in the plurality of networked resources, the dependency data including data specifying a dependency relationship between a first networked resource and a second networked resource in the plurality of networked resources (column 2, line 65-column 3, line 33); and adding a dependency entry to a central repository managed by a manager application, the dependency entry describing the dependency relationship (column 13, lines 57-67).

As per claim 19, Kekic et al. teaches the first networked resource is in a plurality of network resources managed by the manager application (column 5, lines 8-14).

As per claim 20, Kekic et al. teaches after the gathering of the data specifying the dependency relationship and before the adding of the dependency entry to the central repository, the second networked resource is not in the plurality of network resources

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managed by the manager application (column 5, lines 8-14: wherein it is obvious to one of ordinary skill in the art to implement not putting the second networked resource in the plurality of network resources from reading the above reference).

As per claim 21, Kekic et al. teaches before the gathering of the data specifying the dependency relationship, the second networked resource is in the plurality of network resources managed by the manager application (column 5, lines 8-14).

As per claim 22, Kekic et al. teaches manager application offers a client application access to the central repository, the access using a distributed systems management protocol (column 6, lines 15-29).

As per claim 23, Kekic et al. teaches the distributed systems management protocol is SNMP (column 2, lines 20-27).

As per claim 24, Kekic et al. teaches an article comprising a machine-readable storage medium that stores executable instructions to collect dependency data, the instructions causing a machine to: collect configuration data describing a first networked resource via a software agent executing on the first networked resource (column 2, lines 36-49); select dependency data from the configuration data, the dependency data specifying a dependency relationship between the first networked resource and a second networked resource (column 5, lines 8-14); and populate a repository with the dependency data (column 16, lines 3-18).

As per claim 25, Kekic et al. teaches the repository is stored on the first Networked resource (column 5, lines 8-14).

As per claim 26, Kekic et al. teaches instructions causing the machine to: collect dependency data from a plurality of networked resources including the first networked resource (column 2, lines 36-49); and store the dependency data in a repository centralized within a distributed systems management environment (column 16, lines 3-18).

As per claim 27, Kekic et al. teaches an article comprising a machine-readable storage medium that stores executable instructions to communicate dependency data, the instructions causing a machine to: gather dependency data on a managed device via an agent on the managed device (column 16, lines 3-18); and offer access to a table that includes the dependency data, the access using a dependency interface for a distributed systems management protocol on the agent (column 34, lines 15-26).

As per claim 28, Kekic et al. teaches an article comprising a machine-readable storage medium that stores executable instructions to manage distributed systems, the instructions causing a machine to: monitor a first managed device with a first agent, where the first agent gathers dependency data describing a dependency relationship between the first managed device and a second device (column 8, lines 21-34); and start a second agent to monitor the second device based on the dependency data (column 13, line 60-column 14, line 6).

Claims 12-17 and 29-31 are rejected under 35 U.S.C. 102(e) as being anticipated by Perttunen (6,359,635).



As per claim 12, Perttunen teaches a computer-based method for formatting dependency information for display, including: providing a display area having a linear border (column 6, lines 35-44); selecting a root managed device to display at a root distance from the border (column 11, lines 11-27); and displaying a non-root managed device in a dependency relationship with the root managed device, where the dependency relationship has a length of at least one, the displaying including indenting the representation of the non-root managed device a predetermined distance away from the border, greater than the root distance and dependent upon the length (column 11, lines 11-27: wherein it is obvious to one of ordinary skill in the art to implement indenting the representation of the non-root managed device a predetermined distance away from the border, greater than the root distance and dependent upon the length from reading the above reference).

As per claim 13, Perttunen teaches displaying further includes displaying a plurality of non-root managed devices in a tabular layout ordered according to a breadth-first search of devices joined by direct dependency relationships, the search beginning with the root managed device (column 10, line 60-column 11, line 10 and column 14, lines 35-52).

As per claim 14, Perttunen teaches the breadth-first search is constrained to a predetermined depth (column 10, line 60-column 11, line 10).

As per claim 15, Perttunen teaches displaying further includes displaying a plurality of non-root managed devices in a tabular layout ordered according to a depth-first search of devices joined by direct dependency relationships, the search beginning

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with the root managed device (column 10, line 60-column 11, line 10 and column 14, lines 35-52).

As per claim 16, Perttunen teaches the depth-first search is constrained to a predetermined depth (column 10, line 60-column 11, line 10).

As per claim 17, Perttunen teaches the predetermined distance for any such non-root managed device in the display area is determined by multiplying the length times a base predetermined distance (column 10, lines 20-27).

As per claim 29, Perttunen teaches an article comprising a machine-readable storage medium that stores executable instructions to format dependency information for display, the instructions causing a machine to: provide a display area having a linear border (column 6, lines 35-44); select a root managed device to display at a root distance from the border (column 11, lines 11-27); and display a non-root managed device in a dependency relationship with the root managed device, where the dependency relationship has a length of at least one, the displaying including indenting the representation of the non-root managed device a predetermined distance away from the border, greater than the root distance and dependent upon the length (column 11, lines 11-27: wherein it is obvious to one of ordinary skill in the art to implement indenting the representation of the non-root managed device a predetermined distance away from the border, greater than the root distance and dependent upon the length from reading the above reference).

As per claims 30 and 31, Perttunen teaches the instructions causing a machine to display further include displaying a plurality of non-root managed devices in a tabular

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layout ordered according to a breadth-first search of devices joined by direct dependency relationships, the search beginning with the root managed device (column 10, line 60-column 11, line 10 and column 14, lines 35-52).

### ***Conclusion***


The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Aubel et al. (5,696,693) teaches a method for placing logic functions and cells in a logic design using floor planning by analogy. Dulman (5,802,146) teaches maintenance operations console for an advanced intelligent network. Kaycee et al. (5,889,470) teaches a digital subscriber line access device management information base. Bawden et al. (6,003,077) teaches a computer network system and method using domain name system to locate MIB module specification and web browser for managing SNMP agents.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ranodhi Serrao whose telephone number is (571)272-7967. The examiner can normally be reached on 8:00-5:30pm, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on (571)272-3880. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
RUPAL DHARIA  
SUPERVISORY PATENT EXAMINER